

ORIGINAL

Before the

FEDERAL COMMUNICATIONS COMMISSION

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Washington, DC 20554

JUL 18 1997

In the Matter of

Advanced Television Systems
And Their Impact Upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

COMMENTS ON AND OPPOSITION TO PETITIONS FOR RECONSIDERATION

Pursuant to Section 1.106 (g) of the Rules, Fox Television Stations Inc. ("Fox") hereby files the following comments on and opposition to petitions for reconsideration filed in response to the Fifth and Sixth Reports and Orders ("R&Os") released April 21, 1997 in the above-referenced docket, as detailed below.

As stated in Fox's June 12, 1997 petition for reconsideration ("petition") in the above-referenced proceeding, mindful of the enormous complexity and difficulty the Commission faces in connection with the DTV allotment process, we attempted to limit our request for reconsideration to the most egregious situations among the twenty two television stations owned and operated by Fox. We attempt likewise to focus on only the most critical situations in this opposition. Our primary concern is to maintain our ability to continue to provide high quality television service, both in the analog and digital domains, to the many millions of Americans who enjoy it today. Our experience over many years in this endeavor teaches that this is what the public expects and deserves from us. Experience also teaches that if we fail to continue to be able to provide this service, the public will, rightfully, be unforgiving. This opposition is specifically directed to the goal of continued service to the public.

I. GENERAL CONCERNS RAISED BY THE PETITIONS FOR RECONSIDERATION

A number of parties make suggestions about what should be considered a "tolerable" change in interference, a standard that is nowhere precisely defined by the Commission, even in OET Bulletin #69. For example, The Hearst Corporation asks the commission to permit up to 25 percent increase in interference to NTSC service caused by a taboo channel relationship in the area around a DTV transmitter when a DTV station moves more than five kilometers from the DTV site initially assumed for it by the Commission. We agree that some additional flexibility will be necessary in order to effectuate a timely introduction of DTV to the public; however, we would caution against the Commission's allowing licensees to bargain away service to the public without the Commission's evaluating whether the end result best serves the public interest.

We fear precisely this outcome, should the Commission adopt the proposal of the Association of Local Television Stations, Inc. ("ALTS") and others that the interference standard outside a station's Grade A contour should be based upon F(50,50)-based desired-to-undesired ("D/U") signal ratios, instead of F(50,10) D/U ratios. The net result of such a change would be to (theoretically) enhance service in urban areas at the expense of existing service in suburban and rural areas.¹ Even if all affected licensees were to agree to this change in a particular situation, such disenfranchisement of suburban and rural viewers is not in the public interest. We agree with the Comment on and Opposition to Petitions for Reconsideration of the Fifth and Sixth Reports and Orders Submitted by the Association of Maximum Service Television, Inc. and the Broadcaster Caucus ("MSTV Comment") filed in this docket today that the Commission should continue to use the F(50,10) curve as the standard for determining acceptable interference at the affected station's Grade B contour.

We are in accord with the concerns of Sinclair, Viacom and others that the assumption of a 7 dB receiver noise figure at UHF may be unrealistic, and not achievable, in the real world, which will result in less DTV service than predicted. As we have stated repeatedly in comments in this proceeding, unless the Commission is prepared to mandate a particular DTV receiver performance characteristic, there is no evidence indicating that the consumer electronics industry will meet the Commission's expectations in this regard.

II. SPECIFIC PROPOSED ALLOCATIONS REQUIRE RECONSIDERATION

A. Los Angeles

Most of the unilateral solutions proposed in the petitions of Los Angeles and San Diego-area licensees will negatively affect KTTV's ability to maintain its present NTSC coverage or to provide DTV service to as wide an audience as possible. For that reason, we oppose the following suggested changes to the DTV Table.

The Petition for Reconsideration of the Land Mobile Communications Council ("LMCC") suggests that a channel 12 DTV allotment would work for KTLA, KTTV or KCOP, all currently sited at Mt. Wilson for NTSC. As we have stated in opposing KTLA Inc.'s Application for Experimental Authorization on channel 12 in Los Angeles,² any channel 12 DTV operation in Los

¹Service to cable headends will be affected by this increase in acceptable interference, as well as service directly to home receivers.

²File No. BPEXT-960829KE.

Angeles will cause unacceptable interference to KTTV's NTSC operation in that community.³ Thus, use of channel 12 for digital operations in Los Angeles will not provide an alternative DTV allotment for KRCA, in Riverside, California, as LMCC also suggests.⁴

The suggestion of Entravision Holdings LLC ("Entravision") that KSWB-TV or KUSI-TV be allotted either channel 65 for DTV, so that Entravision's San Diego low-power television station, K19BN, can remain on channel 19 fails for essentially the same reason. Such operation will cause interference to KTTV's channel 65 DTV operation in Los Angeles. And, while we appreciate the plea of the Telemundo Group, Inc. that low-power television stations currently providing service not be displaced, simply moving them to an unoccupied channel in the 60-69 band will not always be a viable solution, because interference to full-service stations such as KTTV or KCBS assigned to DTV channels in that band must be considered. While Fox shares the concerns of the Commission and other licensees that translator and LPTV service not be eliminated in the transition to DTV, if at all possible,⁵ we are in support of the view of the MSTV Comment that the historical secondary nature of this service must be acknowledged. Furthermore, we would point out that politically-expedient, brokered solutions simply cannot overcome the laws of physics. That is, at some point, the limited amount of spectrum available for DTV service during the transition period simply cannot support additional digital television operations without unacceptably damaging the public's present NTSC service.

B. Detroit

Significantly, as pointed out in Fox's petition, both Gannett Co., Inc. ("Gannett") and Granite Broadcasting Corporation ("Granite") allude to potential interference problems between their channel 2 DTV allocations (for WKYC, Cleveland, Ohio, and WWMT, Kalamazoo, Michigan, respectively) and Fox's WJBK, NTSC channel 2, Detroit, Michigan. We support their concerns, as was noted in our petition. Even while urging the Commission to include channels 2 through 6 as "core" spectrum today, Gannett recognizes that DTV channel 2 "could cause interference to first adjacent channels in the Great Lakes area." Granite complains that

³It also appears that channel 12 DTV operation in Los Angeles will interfere with channel 12 operation in Ensenada, Mexico.

⁴At any rate, none of the DTV allotments freed up by use of channel 12 for DTV, channel 65, 66 or 68, would be any more acceptable to Fouce Amusement Enterprises, Inc., whose Motion for Partial Stay seeks a DTV allotment within the core channel band, so that KRCA, currently on NTSC channel 62, will not have to move twice.

⁵It must be noted that Fox owns and operates a low power television station in Austin, Texas, and multiple translators in Birmingham, Alabama; Phoenix, Arizona; Salt Lake City, Utah and Denver, Colorado.

"tropospheric ducting" along Lake Michigan can cause interference, especially during summer months. Fox agrees, and for that very reason, suggested alternative DTV channels for both WKYC and WWMT in our petition.

C. New York

Noteworthy among the many comments calling for reconsideration of DTV channel assignments along the northeastern corridor is Tribune's recognition that short spacing to the NTSC operations on channel 5 of WNYW, New York, New York and WCVB, Boston, Massachusetts, will cause interference problems in connection with the DTV operation of WTIC-TV, Hartford, Connecticut, on channel 5. For this reason, Fox's petition suggested an alternative DTV assignment for WTIC, and we now support Tribune's similar suggestion.

D. Washington, DC

Another eastern corridor problem raised in Fox's petition and recognized by other petitioners is the assignment of DTV channel 6 to Fox's WTTG in Washington, DC. Media General, Inc. ("Media General") agrees that there will be interference problems between its WTVR-TV, NTSC channel 6, Richmond, Virginia, and WTTG's digital operations on channel 6 in Washington. Fox agrees with Media General that another DTV allocation must be found for WTTG.

As we stated in our petition, the most promising possibility is channel 19, although this allocation would be slightly short spaced to land mobile operations in Philadelphia. Shenandoah Valley Educational Television Corporation seeks a DTV allocation other than channel 19 for its WVPT(TV), NTSC channel 51, Staunton, Virginia. Fox supports this proposal because such a modification would eliminate any potential for co-channel interference between WVPT's and WTTG's channel 19 DTV operations.

Another problem for WTTG's channel 6 DTV operation, recognized by both National Public Radio and the Executive Committee of the Board of Trustees of American University, licensee of WAMU, 88.5 MHZ, Washington, DC, is the mutual interference problem between TV channel 6 and the educational FM band. It simply makes no sense to make a DTV allocation known in advance to cause interference between educational FM stations and channel 6 DTV service in the nation's capital.

E. Dallas

Similar reasoning applies in the case of KXII Broadcasters, Inc., who suggest DTV channel 36 for their translator in Paris, Texas. Not only could this allotment cause adjacent-channel interference to KDFW's channel 35 DTV operations in Dallas, moreover, given the

shortage of spectrum for digital operations in most of the United States, we believe that it is questionable public policy to use a potential full-power digital allotment for low-power DTV operations.

F. Houston

Also in Texas, Warwick Communications, Inc. ("Warwick") proposes DTV channel 26 instead of channel 52 for KFXK(TV), currently NTSC channel 51, Longview, Texas. While this allotment would appear to meet the Commission's spacing requirements with regard to Fox's co-channel KRIV, Houston, Texas, our preliminary analysis raises some concerns about interference to KRIV's channel 26 NTSC operations, particularly in light of the relatively flat terrain in southeastern Texas. Moreover, contrary to Warwick's apparent assumption, the Commission has not finally decided whether channel 51 in fact will be outside of the "core" television band. Therefore, Warwick's contention that KFXK will have to move twice is unwarranted at this point in this proceeding. Given that uncertainty, there is no reason to jeopardize KRIV's present NTSC service to its viewers and assign DTV channel 26 to KFXK.

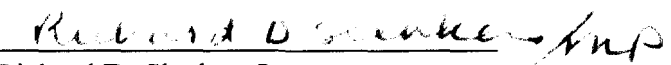
In conclusion, should the Commission or any other parties propose changes in the DTV Table of Allotments that would affect our present NTSC or future digital operations, Fox specifically reserves the right to respond to such proposals.

Respectfully submitted,

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July 18, 1997

CERTIFICATE OF SERVICE

I, Linda Kaye Givens, hereby certify that on this 18th day of July, 1997, I mailed by first class US mail, postage prepaid, a copy of the foregoing Comments on and Opposition to Petitions for Reconsideration to the following parties:

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